IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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(1) CIVIL TRANSFER APPL. No. 12 of 2007

SMT.MAINA
V/S
GHANSHYAM MEWARA

(2) CIVIL TRANSFER APPL. No. 13 of 2007

SMT.REKHA
V/S
LALIT MEWARA

Mr. D JASMATIA, for the appellant / petitioner

Mr. NK BOHRA, for the respondent

Date of Order : 4.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

Both these petitions have been filed by the two sisters against the two brothers seeking transfer of the divorce petition pending at Family Court, Jodhpur to the Court of ADJ, Sojat. Bald averment has been made in para 5 of the application that the petitioners have two brothers. One brother studies and other waits upon in private sector, their father and mother are old persons, and they often remain sick. With this, it has been averred that it would be very hazardous and difficult for the petitioners to come alone at Jodhpur to attend the hearing, and without keeping a major male member with them more particularly in presence of the non-petitioner, who is very hostile against them.

The ground given for getting the matter transferred is the above hazardous position, then that of attending each and every date of hearing, which cause physical and financial harassment to the petitioners, and that two litigations pending at Sojat. Then it is alleged that divorce petition has been filed only as a counter blast.

Suffice it to say that the fact, as to it is counter blast, is to be decided in the trial. Then mere institution of two cases at Sojat by the petitioner hardly make any ground for transfer the case from Jodhpur to Sojat. Then regarding presence on every date, and resultant physical and financial harassment is concerned, Section 24 of the Hindu Marriage Act does take adequate care of the situation. So far the ground about hazardous position of the petitioners in view of the hostility of the respondent is concerned, nothing has been shown, as to what is the hostility, and what are the grounds for the petitioners to believe that it could not be safe for them to come to Jodhpur alone. The petitioners are mature ladies as appears from their affidavits to be 25 and 23 years of age. In these circumstances, I do not find any sufficient ground to transfer the matters.

Both the transfer applications are, therefore, dismissed.

(N P GUPTA),J.

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